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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

PAUL MOORE, an individual,

Plaintiff,

vs.

CAROLYN COLVIN, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 14cv2361-LAB(KSC)

ORDER GRANTING PLAINTIFF'S  
MOTION TO PROCEED *IN FORMA*  
*PAUPERIS*

[Doc. No. 2.]

On October 6, 2014, plaintiff Paul Moore commenced an action against Carolyn Colvin, the Acting Commissioner of Social Security, seeking review of a final adverse decision of the Commissioner. [Doc. No. 1.] Plaintiff also filed an Application to Proceed with his Complaint *in forma pauperis*. [Doc. No. 2.] The Application is in the form of an affidavit. [Doc. No. 2, at p. 2.]

A court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all his or her assets, showing that he or she is unable to pay the filing fee. *See* 28 U.S.C. § 1915(a). The affidavit must "state the facts as to [the] affiant's poverty with some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir.1981) (internal quotations omitted).

A party need not be completely destitute to proceed *in forma pauperis*. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-340 (1948). An affidavit is

1 sufficient if it shows that the applicant cannot pay the fee “and still be able to provide  
2 himself [or herself] and dependents with the necessities of life.” *Id.* (internal  
3 quotations omitted).

4 Here, plaintiff’s affidavit states that he is unemployed and homeless. Although  
5 he does receive a small monthly amount for injuries incurred while in the military, he  
6 has no other source of income. The affidavit also states that plaintiff has no property  
7 or cash and owes family and friends more than \$2,000.00. [Doc. No. 2, at pp. 1-2.]  
8 Therefore, the Court finds that plaintiff has submitted an affidavit which sufficiently  
9 shows that he lacks the financial resources to pay his filing fee. Accordingly,

10 IT IS HEREBY ORDERED THAT plaintiff’s Application to Proceed with his  
11 Complaint *in forma pauperis* is GRANTED. [Doc. No. 2.]

12 IT IS SO ORDERED.

13 Date: Nov. 13, 2014

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KAREN S. CRAWFORD  
United States Magistrate Judge